

nor did anyone note the inconsistency between this memorandum and his earlier testimony that he did not read reports of persons who did not require updated background reports.¹⁶⁴

In the House Committee's Interim Report concerning the FBI Files matter, the Committee cited Mr. Marceca's opening statement for the following proposition: "After receiving the previous report from the FBI, Mr. Marceca stated that he would review it to determine the suitability of the person for a position in the Clinton administration, and to check the date for the standard 5 year reinvestigation."¹⁶⁵ The report does not mention any conflicting testimony at the deposition or the hearing.

f. Mr. Marceca's September 11, 1999 Immunized Testimony Regarding Whether he Read the Contents of the Background Reports.

In light of Mr. Marceca's claim before the Senate Judiciary Committee of his Fifth Amendment privilege against self-incrimination, the Independent Counsel granted him immunity, and, on September 11, 1999, Mr. Marceca was questioned in a sworn

¹⁶⁴ Mr. Marceca specifically testified: "To my recollection, this specific letter was developed because there was [sic] apparently some inconsistencies somewhere between previous reports and a person's SF-86. This document that you are looking at may pass into the wastebasket when it gets to Mr. Livingstone, if he finds it has no value. So it is just my personal observations. It may have no merit after it leaves my desk." HCGRO 6/26/96 Hearing at 304-05 (Marceca).

¹⁶⁵ House Committee on Government Reform and Oversight, "Investigation into the White House and Department of Justice on Security of FBI Background Investigation Files" 9/28/96 Interim Report ("HCGRO Interim Report") at 47 (emphasis supplied).